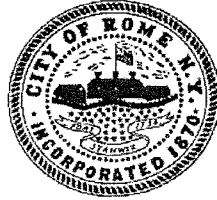


**OFFICE OF THE COMMON COUNCIL  
CITY HALL – ROME, NEW YORK 13440**



**1<sup>ST</sup> WARD**  
**John M. Sparace**

**2<sup>ND</sup> WARD**  
**John B. Mortise**

**3<sup>RD</sup> WARD**  
**Kimberly Rogers**

**4<sup>TH</sup> WARD**  
**Ramona L. Smith**

**5<sup>TH</sup> WARD**  
**Frank R. Anderson**

**6<sup>TH</sup> WARD**  
**John A. Nash**

**7<sup>TH</sup> WARD**  
**Lou DiMarco Jr.**

**CITY CLERK**  
**Louise S. Glasso**

**John J. Mazzaferro**  
**President Common Council**

**COMMON COUNCIL MEETING  
REGULAR SESSION**

**APRIL 10, 2013  
7:00PM**

**1. CALLING THE ROLL OF MEMBERS BY THE CLERK**

**2. PLEDGE OF ALLEGIANCE**

**3. INVOCATION**

**4. GENERAL PUBLIC HEARING**

The time limit for speakers at the general public hearing shall be limited to (5) continuous minutes. The President of the Common Council may extend this time up to an additional five (5) minutes at his discretion; and further extensions must be approved by a majority of the council.

**5. RECOGNITION/APPRECIATION**

**6. READING OF THE MINUTES OF THE PRECEDING SESSION**

(Motion in order that the reading of the minutes of the preceding session be dispensed with and that they be approved.)

**7. PRESENTING OF PETITIONS AND COMMUNICATIONS.**

**A. PETITIONS**

**B. COMMUNICATIONS.**

The following businesses have notified the City Clerk's Office of their intention to renew liquor licenses:

China House Restaurant  
(Received & filed)

503 N. James St.

James DiCastro notified the City Clerk of his application for a liquor license for property located at 738 Erie Blvd. W.

Rome Memorial Day Association requesting portion of N. James St. be closed on May 27, 2013 for the annual Memorial Day program.

**8. NOTICES**

**9. REPORT OF CITY OFFICIALS**

**10. REPORT OF COUNCILORS AND GENERAL CITY AFFAIRS**

**11. PRESENTING OF REPORT OF COMMITTEES**

**12. RESOLUTIONS**

**RES. NO. 69**

**A**

**DELEGATING THE AUTHORITY UNDER GENERAL MUNICIPAL LAW,  
§77-b TO THE COMMISSIONER OF PUBLIC WORKS. Tallarino**

**RES. NO. 70**

**B**

**DELEGATING THE AUTHORITY UNDER GENERAL MUNICIPAL LAW,  
§77-b TO THE CHIEF OF THE CITY OF ROME FIRE DEPARTMENT. Nash**

**RES. NO. 71**

**D**

**AUTHORIZING THE CLOSING OF A PORTION OF NORTH JAMES STREET  
ON MAY 27, 2013, FOR A MEMORIAL DAY PROGRAM. Mazzaferro**

**RES. NO. 72**

**E**

**AUTHORIZING COMMUNITY AND ECONOMIC DEVELOPMENT PERSONNEL  
TO ATTEND DISNEY'S APPROACH TO BUSINESS EXCELLENCE TRAINING.  
Mercurio**

**RES. NO. 73**

**G**

**AUTHORIZING THE CITY OF ROME TO IMPLEMENT CORRECTIVE ACTION PLAN  
IDENTIFIED BY THE NEW YORK STATE OFFICE OF THE STATE COMPTROLLER.  
Nolan**

**RES. NO. 74**

**H**

**ACCEPTING DONATION PRESENTED TO THE CITY OF ROME DEPARTMENT OF PARKS AND RECREATION FROM NUNN & HARPER FUNERAL HOME OF ROME, NEW YORK, FOR A USER FEE TO JOHN F. KENNEDY CIVIC ARENA FOR THE 2013 RED CROSS COMMUNITY BLOOD DRIVE. Lovett**

**RES. NO. 75**

**I**

**ACCEPTING DONATION PRESENTED TO THE CITY OF ROME DEPARTMENT OF PARKS AND RECREATION FROM BARRY FUNERAL HOME OF ROME, NEW YORK, FOR A USER FEE TO JOHN F. KENNEDY CIVIC ARENA FOR THE 2013 RED CROSS COMMUNITY BLOOD DRIVE. Lovett**

**RES. NO. 76**

**J**

**ACCEPTING DONATION PRESENTED TO THE CITY OF ROME DEPARTMENT OF PARKS AND RECREATION FROM GULLA FUNERAL AND CREMATION SERVICES OF ROME, NEW YORK, FOR A USER FEE TO JOHN F. KENNEDY CIVIC ARENA FOR THE 2013 RED CROSS COMMUNITY BLOOD DRIVE. Lovett**

**RES. NO. 77**

**L**

**AUTHORIZING AMENDMENT TO THE 2013 CITY OF ROME ANNUAL BUDGET TO PERMIT THE PURCHASE OF RADIOS AND RELATED EQUIPMENT FOR DEPARTMENT OF PUBLIC WORKS AND PARKS AND RECREATION FROM ENCUMBERED FUNDS IN THE 2012 BUDGET. Tallarino**

**RES. NO. 78**

**M**

**AUTHORIZING THE CITY OF ROME TREASURER'S DEPARTMENT TO ADJUST AND RE-ASSESS WATER AND SEWER FEES RELATIVE TO THE PROPERTY LOCATED AT 450 GEIGER ROAD. Benedict**

**13. ORDINANCES**

**A.**

**%Lacking Unanimous Consent**

**B.**

**Current Legislation**

**ORD. NO. 8817**

**C**

**AUTHORIZING THE DESIGNATION OF A ONE-WAY STREET ON LYONS STREET.  
Mazzaferro – Rogers**

**ORD. NO. 8818**

**K**

**AUTHORIZING THE RE-ASSIGNMENT OF OFFICE SPACE IN ROME CITY HALL.  
Beach**

**ORD. NO. 8819**

**F**

**AMENDING ROME CODE OF ORDINANCES CHAPTER 18 AND APPENDIX B  
REGARDING SECONDHAND DEALERS' FEES. Glasso**

**ORD. NO. 8820**

**N**

**AMENDING ROME CODE OF ORDINANCES CHAPTER 74 PROHIBITING CROSS  
CONNECTIONS BETWEEN CITY OF ROME WATER SYSTEM AND PRIVATE WATER  
SYSTEMS AND ADOPTING RULES AND REGULATIONS RELATED THERETO. Tallarino**

#### **14. LOCAL LAWS**

#### **15. TABLED LEGISLATION**

**RES. NO. 167**

**N**

**Tabled III**

**AUTHORIZING MAYOR OF CITY OF ROME TO REQUEST TRANSFER OF  
NEW YORK STATE ARMORY ON BLACK RIVER BOULEVARD. Benedict – DiMarco**

#### **16. VETOED LEGISLATION**

#### **17. ADJOURNMENT**

**% Ordinances require unanimous consent to be acted upon when first introduced**

**NEXT SCHEDULED COMMON COUNCIL MEETING ~ April 24, 2013**

RESOLUTION NO. 69

DELEGATING THE AUTHORITY UNDER GENERAL MUNICIPAL LAW, §77-b  
TO THE COMMISSIONER OF PUBLIC WORKS

By Councilor \_\_\_\_\_:

WHEREAS, pursuant to Section 77-b of the General Municipal Law ("GML"), the Common Council may authorize personnel or employees of the City of Rome, New York, to attend a conference or school conducted for the betterment of the City and authorize payment for attendance at such conference or school; or, alternatively, the Council may delegate the power to authorize attendance at such conference to any executive officer, including the Commissioner of Public Works; and

WHEREAS, employees of the Public Works Department are subject to and/or are required to undergo continuing training and education program(s), so as to maintain the licenses and certifications necessary to be able to provide the public with safe and sanitary services relative to wastewater and drinking water supply, and to that end, the Common Council routinely authorizes attendance at such programs by employees of the Public Works Department; and

WHEREAS, Frank Tallarino, Commissioner of Public Works, is of the opinion that City resources and best interests will be best served and, significant staff and resources saved, by delegating to him the ability to authorize members of the Public Works Department to attend various conferences, seminars and educational programs that benefit the City of Rome and to pay expenses attendant to same; now, therefore,

BE IT RESOLVED, by the Common Council of the City of Rome, New York, that, pursuant to General Municipal Law, §77-b(2), that, for fiscal year 2013, the Commissioner of Public Works be and is hereby delegated the authority to authorize, in his discretion, attendance by employees of the Public Works Department at various conferences and education programs deemed to be in the best interests of the City of Rome; and

BE IT FURTHER RESOLVED, that the delegation of authority conferred hereby is expressly contingent upon the following:

a. the Commissioner of Public Works shall, no later than fifteen (15) days after the end of each fiscal quarter, file with the Rome Common Council a report setting forth, *inter alia*: all conferences, programs or schools authorized during the preceding fiscal quarter; a description of the agenda or topics presented or taught at said conferences, programs or schools; the names of all personnel authorized to attend same; and all costs and expenses associated therewith; and

b. that the Commissioner of Public Works shall adhere to all applicable procedures for the payment of said expenses or costs, as set forth in the applicable provisions of the Rome Code of Ordinances and/or Charter Laws of the City of Rome and any applicable provision of State Law, including, but not limited to General Municipal Law, §77-b(4); and

c. the authority of the Commissioner of Public Works, as granted hereunder, is limited to the amount of money included in the 2013 City of Rome Annual Estimate under the applicable line item or code for travel and conferences (or other similar line item or code), and, in the event that the annual amount appropriated in 2013 for attendance at such conferences, programs or schools is met or exceeded, the authority granted hereby shall automatically terminate and, thereafter, the Commissioner of Public Works must seek authority for attendance at said conferences, programs or schools from the Common Council prior to same; and

BE IT FURTHER RESOLVED, that the Resolution shall take effect immediately upon approval.

Seconded by Councilor \_\_\_\_\_.

AYES & NAYS: Sparace\_\_\_\_Mortise\_\_\_\_Rogers\_\_\_\_Smith\_\_\_\_Anderson\_\_\_\_  
Nash\_\_\_\_DiMarco\_\_\_\_\_

ADOPTED:

DEFEATED:

RESOLUTION NO. 70

DELEGATING THE AUTHORITY UNDER GENERAL MUNICIPAL LAW, §77-b  
TO THE CHIEF OF THE CITY OF ROME FIRE DEPARTMENT

By Councilor \_\_\_\_\_ :

WHEREAS, pursuant to Section 77-b of the General Municipal Law ("GML"), the Common Council may authorize officers or employees of the City of Rome, New York, to attend a conference or school conducted for the betterment of the City and authorize payment for attendance at such conference or school; or, alternatively, the Council may delegate the power to authorize attendance at such conference to any executive officer, including the Chief of the Rome Fire Department; and

WHEREAS, members of the Rome Fire Department are subject to and/or are required to undergo continuing training and education program(s) so as to be able to provide the public with current and effective firefighting and prevention techniques, and to that end, the Common Council routinely authorizes attendance at such programs by members of the Rome Fire Department; and

WHEREAS, Ronald Brement, Chief of the Rome Fire Department, is of the opinion that City resources and best interests will be best served and, significant staff and resources saved, by delegating to him the ability to authorize members of the Rome Fire Department to attend various conferences, seminars and educational programs that benefit the City of Rome and to pay expenses attendant to same; now, therefore,

BE IT RESOLVED, by the Common Council of the City of Rome, New York, that, pursuant to General Municipal Law, §77-b(2), that, for fiscal year 2013, the Rome Fire Chief be and is hereby delegated the authority to authorize, in his discretion, attendance by members of the Rome Fire Department at various conferences and education programs deemed to be in the best interests of the City of Rome; and

BE IT FURTHER RESOLVED, that the delegation of authority conferred hereby is expressly contingent upon the following:

a. the Rome Fire Chief shall, no later than fifteen (15) days after the end of each fiscal quarter, file with the Rome Common Council a report setting forth, *inter alia*: all conferences, programs or schools authorized during the preceding fiscal quarter; a description of the agenda or topics presented or taught at said conferences, programs or schools; the names of all officers authorized to attend same; and all costs and expenses associated therewith; and

b. that the Rome Fire Chief shall adhere to all applicable procedures for the payment of said expenses or costs, as set forth in the applicable provisions of the Rome Code of Ordinances and/or Charter Laws of the City of Rome and any applicable provision of State Law, including, but not limited to General Municipal Law, §77-b(4); and

c. the authority of the Rome Fire Chief, as granted hereunder, is limited to the amount of money included in the 2013 City of Rome Annual Estimate under the applicable line item or code for travel and conferences (or other similar line item or code), and, in the event that the annual amount appropriated in 2013 for attendance at such conferences, programs or schools is met or exceeded, the authority granted hereby shall automatically terminate and, thereafter, the Chief of Fire must seek authority for attendance at said conferences, programs or schools from the Common Council prior to same; and

BE IT FURTHER RESOLVED, that the Resolution shall take effect immediately upon approval.

Seconded by Councilor \_\_\_\_\_.

AYES & NAYS: Sparace\_\_\_\_Mortise\_\_\_\_Rogers\_\_\_\_Smith\_\_\_\_Anderson\_\_\_\_  
Nash\_\_\_\_DiMarco\_\_\_\_\_

ADOPTED:

DEFEATED:



COMMON COUNCIL

APRIL 10, 2013

RESOLUTION NO. 71

AUTHORIZING THE CLOSING OF A PORTION OF NORTH JAMES STREET  
ON MAY 27, 2013, FOR A MEMORIAL DAY PROGRAM

By Councilor \_\_\_\_\_:

WHEREAS, the Rome Memorial Day Association has contacted the City of Rome requesting the closing of a portion of North James Street, from West Liberty Street north to West Court Street on Monday, May 27, 2013, to allow for the annual Memorial Day Program; now, therefore,

BE IT RESOLVED, that the Common Council of the City of Rome, New York, does hereby authorize the closing of a portion of North James Street, from West Liberty Street north to West Court Street, on Monday, May 27, 2013, from 9:30 a.m. to 11:30 a.m. to allow for the Annual Memorial Day Program to be held on said date; and

BE IT FURTHER RESOLVED, that on Monday, May 27, 2013, only, for the above-noted time period, parking on the west side of North James Street shall be limited to handicapped parking only; and

BE IT FURTHER RESOLVED, that this authorization is contingent upon the above organization providing the City of Rome with a certificate of insurance in the amount of \$1,000,000 per occurrence for Bodily Injury and Death/Property damage and a minimum general aggregate coverage of \$2,000,000, naming the City of Rome as an additional insured, and indemnifying and holding the City of Rome harmless from any and all liability arising out of the closing of that portion of North James Street, from 9:30 a.m. to 11:30 a.m., on Monday, May 27, 2013, as outlined hereinabove; and

BE IT FURTHER RESOLVED, that the above authorization shall take effect upon placement of the appropriate barriers at each end of the affected area.

Seconded by Councilor \_\_\_\_\_.

AYES & NAYS: Sparace\_\_\_\_Mortise\_\_\_\_Rogers\_\_\_\_Smith\_\_\_\_Anderson\_\_\_\_  
Nash\_\_\_\_DiMarco\_\_\_\_\_

ADOPTED:

DEFEATED:

COMMON COUNCIL

APRIL 10, 2013

RESOLUTION NO. 72

AUTHORIZING COMMUNITY AND ECONOMIC DEVELOPMENT  
PERSONNEL TO ATTEND DISNEY'S APPROACH TO  
BUSINESS EXCELLENCE TRAINING

By Councilor \_\_\_\_\_:

BE IT RESOLVED, that pursuant to Section 77-b of the General Municipal Law of the State of New York, Rachel Powers, Community Development Specialist for the City of Rome, be and is hereby authorized to attend Disney's Approach to Business Excellence program, to be held at SUNYIT, Rome, New York, on May 16, 2013. The course registration fee is \$299.00.

Seconded by Councilor \_\_\_\_\_.

AYES & NAYS: Sparace\_\_\_\_ Mortise\_\_\_\_ Rogers\_\_\_\_ Smith\_\_\_\_ Anderson\_\_\_\_  
Nash\_\_\_\_ DiMarco\_\_\_\_\_

ADOPTED:

DEFEATED:



*“I suppose my formula might be: dream, diversify—and never miss an angle.”*  
– Walt Disney

## Disney's Approach to Business Excellence

The power you need to propel your organization forward is waiting at *Disney Institute* through Disney's Approach to Business Excellence. Your team will learn the five most powerful lessons in business, lessons carefully developed by the Disney organization in its never-ending pursuit of excellence. These universal assets of a successful business—creativity/innovation, leadership excellence, quality service, brand loyalty, and selection, training & engagement—are the links in the renowned “Chain of Excellence.” Together, these lessons forge an enduring bond between inspired leaders, motivated employees, and satisfied customers that drives financial results and sustains years of repeat business.

### PROGRAM BENEFITS

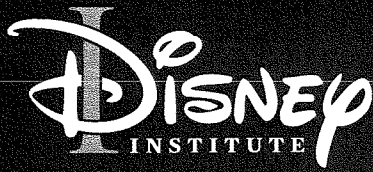
For over 85 years, The Walt Disney Company has maintained a comfortable and lasting position in the marketplace due to a strong commitment to its core values. Throughout this course, you gain insight into the strategies that drive the Disney organization, including its emphasis on creativity/innovation, leadership excellence, quality service, brand loyalty, and selection, training and engagement. Discover how to adapt these methods to strengthen your organization and drive long-term results.

You will learn how to:

- Adapt time-tested Disney business strategies and practices to improve your organization.
- Develop a leadership vision that inspires dedication and commitment among employees.
- Apply key elements of the Disney people management strategy to strengthen your culture.
- Develop an organizational culture that supports consistent delivery of exceptional quality service.
- Foster a collaborative environment that draws on the creative resources of your entire organization.
- Incorporate time-tested principles for building and fortifying brand loyalty.

### WHO SHOULD ATTEND

Managers, leaders and those interested in discovering the key business practices that make the Disney organization a worldwide success, drive financial results, generate repeat business, and provide a sustainable competitive advantage for their own companies.



## PROGRAM CONTENT

### **An Introduction to the Disney Chain of Excellence**

- Creativity as a competitive advantage.
- The power of a leadership vision.
- Maintaining a corporate culture created by design.
- Establishing exceptional quality service.
- Sustaining customer loyalty.

### **Creativity & Innovation**

#### *Fostering a collaborative culture*

- Defining a culture of collaboration.
- Valuing diverse perspectives to encourage new ideas.
- Techniques for obtaining maximum expression of ideas.

#### *Establishing and expanding your organizational identity*

- Thinking "inside" the box.
- Thinking "outside" the box by taking intelligent risks.
- Calculating risks and analyzing "successful failures."

#### *Maximizing structural systems*

- Components for implementing new ideas: Parameters, Expertise, Accountability, Processes.
- Engaging in a continuous improvement process.
- Involving employees in low cost and no cost ideas.

### **Leadership Strategies for Organizational Excellence**

#### *Communicating your vision*

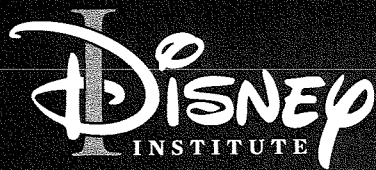
- Developing a clear vision for employees and customers.
- Emphasizing a consistent message.
- Integrating your message throughout the organization.

#### *Combining structure and processes*

- Aligning processes and structure to vision.
- Proactive vs. reactive organizational change.
- Creating a strong sense of ownership, initiative and pride.

#### *Creating engagement and commitment*

- Overcoming hurdles to employee empowerment.
- Leading to create strong commitments.
- Partnering with employees to involve them in the organization.



## PROGRAM CONTENT *(CONTINUED)*

### **Disney Selection, Training & Engagement Practices**

#### *Communicating a consistent message*

- Designing every business aspect with purpose and intent.
- Operating from shared values that are well-defined across the organization.
- Clearly communicating expectations.
- Maintaining a goal-oriented focus.

#### *Casting for "right-fit" talent*

- Hiring process is a reflection of corporate culture.
- Taking a centralized approach.
- Promoting an environment that matches your values.

#### *Training and career management*

- Disney's in-depth training program.
- Emphasizing recognition and ongoing career development.

### **Consistent Delivery of Quality Service**

#### *Establishing exceptional customer service*

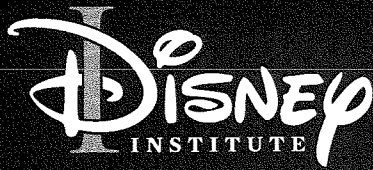
- The Disney formula for success.
- Gauging customer needs, wants, stereotypes and emotions.
- Personalizing customer experiences.

#### *Applying quality standards*

- Establishing operational criteria.
- Aligning local and global processes to support customer experiences.
- Benchmarking to measure and sustain progress.

#### *Integrating quality service seamlessly*

- Implementing a quality service matrix.
- Aligning quality standards with delivery systems.
- Treating everyone like a VIP at every point of contact.



## PROGRAM CONTENT *(CONTINUED)*

### **Fortifying Brand Loyalty**

#### *Monitoring brand identity*

- Examining customer perceptions and experiences.
- Establishing the difference between brand and branding.
- Avoiding negative influences on your brand.
- Recognizing the loyalty profit chain.

#### *Building relationships for repeat business*

- Keys to building and sustaining customer loyalty.
- Designing the customer experience.
- Evaluating customer relationship management programs.
- Communicating corporate responsibility.

#### *Maintaining a sustainable competitive advantage*

- Communicating your brand promise as unique, believable and compelling.
- Expanding products and services.
- Collecting and listening to customer feedback.
- Setting your organization apart from competitors.

## **EXERCISES**

Through the interactive dynamics of classroom sessions, application exercises and explorations of case studies, you discover the proven business principles at the core of the sustainable strength of the Disney organization.

#### Exercises include:

- Establishing a leadership vision.
- Uncovering communication roadblocks.
- Analyzing strategies for selecting appropriate employees.
- Discovering ways to empower and engage your employees.
- Establishing and measuring quality standards.
- Outlining your organizational identity and structural systems to improve creativity.
- Mapping steps to sustain customer loyalty.

RESOLUTION NO. 73

AUTHORIZING THE CITY OF ROME TO IMPLEMENT CORRECTIVE ACTION  
PLAN IDENTIFIED BY THE NEW YORK STATE OFFICE  
OF THE STATE COMPTROLLER

By Councilor \_\_\_\_\_:

WHEREAS, in 2012, the New York State Office of the Comptroller (“Comptroller”) performed an audit of City of Rome accounting information for the period prior to January 1, 2012, by which the Comptroller identified certain accounting issues/practices of the City that needed to be addressed and for which the Comptroller recommended the City of Rome to take corrective action; and

WHEREAS, David Nolan, City of Rome Treasurer, has reviewed the Comptroller’s audit and recommendations and has formulated recommendations to the Common Council of the City of Rome to correct the identified issues and by which the City’s internal financial controls will be improved prospectively, which recommendations are more specifically set forth in the Report of David Nolan, City Treasurer, dated March 19, 2013, which is attached hereto and made a part hereof; now, therefore,

BE IT RESOLVED, the City of Rome Common Council has reviewed the corrective action plan report entitled “Internal Controls over Capital Projects”, has considered the deficiencies, and hereby adopts the above-referenced report, dated March 19, 2013, which is attached hereto and made a part of this Resolution; and

BE IT FURTHER RESOLVED, that upon passage of this Resolution, the City of Rome Treasurer shall file a copy of this Resolution and the adopted plan with the Office of the New York State Comptroller to comply with that agency’s requirements and to file such other documentation as may be necessary to satisfy the Comptroller’s Office regarding said audit.

Seconded by Councilor \_\_\_\_\_.

AYES & NAYS: Sparace\_\_\_\_Mortise\_\_\_\_Rogers\_\_\_\_Smith\_\_\_\_Anderson\_\_\_\_  
Nash\_\_\_\_DiMarco\_\_\_\_\_

ADOPTED:

DEFEATED:

# Official Letterhead

March 19, 2013

Unit Name: City of Rome  
Audit Report Title: Internal Controls over Capital Projects  
Audit Report Number: 2012M-248

For each recommendation included in the audit report, the following is our corrective action(s) taken or proposed.

## **Audit Recommendation number 1:**

The Council should monitor each project by requiring the Treasurer to submit periodic reports that show actual revenues and expenditures over the life of the project compared to the approved budget.

## **Implementation Plan of Action(s):**

The Treasurer's Office will prepare quarterly Capital Project reports for the Finance Committee of the Common Council. For each project it will indicate the amount authorized by the Council; prior year, current year to date and total expenditures to date; unexpended authorization; each source of financing received to date and the total of all sources to date, and the remaining fund balance. In addition the report will indicate expected but not yet received financing.

## **Implementation Date:**

The first report was prepared for the year ended 12/31/12 and submitted to the Finance Committee for their January 31<sup>st</sup> meeting.

## **Person Responsible for Implementation:**

David Nolan, Treasurer



**Audit Recommendation number 2:**

The Council should close out the remaining capital projects that are complete and develop procedures to ensure that current and future capital projects are closed in a timely manner and any cash or deficit remaining is accounted for properly

**Implementation Plan of Action(s):**

The Treasurer will submit a request to close the 22 capital projects referred to in your letter. The request will include a report to the Common Council of the projects to be closed in accordance with the format outlined in the response to first Audit Recommendation as well as the accounting required.

All future Capital Projects will require legislation approved by the Common Council indicating the reason for the project, total expected cost of the project, and each source of financing including the expected monetary value of proposed in kind work by the City for matching grant funding. The Deputy Treasurer will monitor each project so authorized to insure that project expenses do not exceed the project's budget and that all revenues are received as anticipated. In addition he will prepare the quarterly capital project reports for the Finance Committee as outlined in the response to the first Audit Recommendation above.

The Treasurer or Deputy will review the operational and financial status of each open capital project at the Finance Committee's quarterly meeting. The review will include recommending projects which should be closed and the appropriate accounting required. The Finance Committee may then instruct the Treasurer to submit request(s) for legislation to the full Council.

**Implementation Date:**

The Treasurer will submit legislation requesting the closing of the twenty-two capital projects by the Council's April 27<sup>th</sup> meeting . All of the procedures outlined above will be in place by the time of the Finance Committee's second quarter meeting in July.

**Person Responsible for Implementation:**

David Nolan, Treasurer

COMMON COUNCIL

APRIL 10, 2013

RESOLUTION NO. 74

ACCEPTING DONATION PRESENTED TO THE  
CITY OF ROME DEPARTMENT OF PARKS AND RECREATION  
FROM NUNN & HARPER FUNERAL HOME OF ROME, NEW YORK, FOR A  
USER FEE TO JOHN F. KENNEDY CIVIC ARENA FOR THE 2013 RED CROSS  
COMMUNITY BLOOD DRIVE

By Councilor \_\_\_\_\_:

WHEREAS, Nunn & Harper Funeral Home of Rome, New York, has contacted the City of Rome Department of Parks and Recreation with a monetary donation for a user fee to John F. Kennedy Civic Arena for the 2013 Red Cross Community Blood Drive; and

WHEREAS, pursuant to Section 25 of the Rome City Charter, the City of Rome Common Council may authorize the acceptance of donations made to the City of Rome on behalf of the City of Rome; now, therefore,

BE IT RESOLVED, by the Common Council of the City of Rome, New York, that a monetary donation of \$100.00 from Nunn & Harper Funeral Home shall be gratefully accepted by the City of Rome for a user fee to John F. Kennedy Civic Arena for the 2013 Red Cross Community Blood Drive; and

BE IT FURTHER RESOLVED, that the Common Council hereby expresses its appreciation to Nunn & Harper Funeral Home for the monetary donation of \$100.00 for a user fee to John F. Kennedy Civic Arena for the 2013 Red Cross Community Blood Drive.

Seconded by Councilor \_\_\_\_\_.

AYES & NAYS: Sparace\_\_\_\_Mortise\_\_\_\_Rogers\_\_\_\_Smith\_\_\_\_Anderson\_\_\_\_  
Nash\_\_\_\_DiMarco\_\_\_\_\_

ADOPTED:

DEFEATED:

COMMON COUNCIL

APRIL 10, 2013

RESOLUTION NO. 75

ACCEPTING DONATION PRESENTED TO THE  
CITY OF ROME DEPARTMENT OF PARKS AND RECREATION  
FROM BARRY FUNERAL HOME OF ROME, NEW YORK, FOR A USER FEE TO  
JOHN F. KENNEDY CIVIC ARENA FOR THE 2013 RED CROSS COMMUNITY  
BLOOD DRIVE

By Councilor \_\_\_\_\_:

WHEREAS, Barry Funeral Home of Rome, New York, has contacted the City of Rome Department of Parks and Recreation with a monetary donation for a user fee to John F. Kennedy Civic Arena for the 2013 Red Cross Community Blood Drive; and

WHEREAS, pursuant to Section 25 of the Rome City Charter, the City of Rome Common Council may authorize the acceptance of donations made to the City of Rome on behalf of the City of Rome; now, therefore,

BE IT RESOLVED, by the Common Council of the City of Rome, New York, that a monetary donation of \$100.00 from Barry Funeral Home shall be gratefully accepted by the City of Rome for a user fee to John F. Kennedy Civic Arena for the 2013 Red Cross Community Blood Drive; and

BE IT FURTHER RESOLVED, that the Common Council hereby expresses its appreciation to Barry Funeral Home for the monetary donation of \$100.00 for a user fee to John F. Kennedy Civic Arena for the 2013 Red Cross Community Blood Drive.

Seconded by Councilor \_\_\_\_\_.

AYES & NAYS: Sparace\_\_\_\_Mortise\_\_\_\_Rogers\_\_\_\_Smith\_\_\_\_Anderson\_\_\_\_  
Nash\_\_\_\_DiMarco\_\_\_\_\_

ADOPTED:

DEFEATED:

COMMON COUNCIL

APRIL 10, 2013

RESOLUTION NO. 76

ACCEPTING DONATION PRESENTED TO THE  
CITY OF ROME DEPARTMENT OF PARKS AND RECREATION  
FROM GULLA FUNERAL AND CREMATION SERVICES OF ROME, NEW YORK,  
FOR A USER FEE TO JOHN F. KENNEDY CIVIC ARENA FOR THE 2013 RED  
CROSS COMMUNITY BLOOD DRIVE

By Councilor \_\_\_\_\_:

WHEREAS, Gulla Funeral and Cremation Services of Rome, New York, has contacted the City of Rome Department of Parks and Recreation with a monetary donation for a user fee to John F. Kennedy Civic Arena for the 2013 Red Cross Community Blood Drive; and

WHEREAS, pursuant to Section 25 of the Rome City Charter, the City of Rome Common Council may authorize the acceptance of donations made to the City of Rome on behalf of the City of Rome; now, therefore,

BE IT RESOLVED, by the Common Council of the City of Rome, New York, that a monetary donation of \$100.00 from Gulla Funeral and Cremation Services shall be gratefully accepted by the City of Rome for a user fee to John F. Kennedy Civic Arena for the 2013 Red Cross Community Blood Drive; and

BE IT FURTHER RESOLVED, that the Common Council hereby expresses its appreciation to Gulla Funeral and Cremation Services for the monetary donation of \$100.00 for a user fee to John F. Kennedy Civic Arena for the 2013 Red Cross Community Blood Drive.

Seconded by Councilor \_\_\_\_\_.

AYES & NAYS: Sparace\_\_\_\_Mortise\_\_\_\_Rogers\_\_\_\_Smith\_\_\_\_Anderson\_\_\_\_  
Nash\_\_\_\_DiMarco\_\_\_\_\_

ADOPTED:

DEFEATED:

COMMON COUNCIL

APRIL 10, 2013

RESOLUTION NO. 77

AUTHORIZING AMENDMENT TO THE 2013 CITY OF ROME ANNUAL BUDGET  
TO PERMIT THE PURCHASE OF RADIOS AND RELATED EQUIPMENT FOR  
DEPARTMENT OF PUBLIC WORKS AND PARKS AND RECREATION FROM  
ENCUMBERED FUNDS IN THE 2012 BUDGET

By Councilor \_\_\_\_\_:

WHEREAS, Frank D. Tallarino, Jr., Commissioner of Public Works for the City of Rome, has requested to amend the 2013 budget to purchase radios and related equipment for the Department of Public Works and the Department of Parks and Recreation from encumbered funds in the 2012 budget; now, therefore,

BE IT RESOLVED, that the Common Council of the City of Rome hereby authorizes an amendment to the 2013 Annual Budget, by which the Department of Public Works and the Department of Parks and Recreation are authorized to purchase radios and related equipment in an amount not to exceed Fifteen Thousand and 00/100 Dollars (\$15,000); and

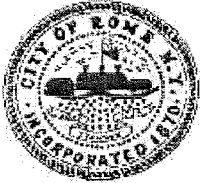
BE IT FURTHER RESOLVED, that the City of Rome Treasurer is directed to make such changes as may be necessary to effectuate the amendment authorized hereby and that the purchase of said additional equipment be consistent with the City's policies and procedures, including approval of the purchase contract by the Board of Estimate and Contract.

Seconded by Councilor \_\_\_\_\_.

AYES & NAYS: Sparace\_\_\_\_Mortise\_\_\_\_Rogers\_\_\_\_Smith\_\_\_\_Anderson\_\_\_\_  
Nash\_\_\_\_DiMarco\_\_\_\_\_

ADOPTED:

DEFEATED:

**City of Rome**

Purchasing Department  
198 North Washington St.  
Rome, NY 13440  
(315) 339-7665 FAX: (315) 838-1165

**Purchase Order**

Fiscal Year 2012

Page 1

THIS NUMBER MUST APPEAR ON ALL INVOICES,  
PACKAGES AND SHIPPING PAPERS.

Purchase Order # **00009533-00**

**SALES TAX EXEMPT** - No certificate necessary.  
Retain a copy of this order to substantiate exempt sale.

**FURNISH MATERIAL SAFETY DATA SHEETS  
"MSDS" FOR ALL CHEMICAL PRODUCTS**

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JPJ ELECTRONIC COMMUNICATIONS INC  
1 W WHITESBORO ST  
YORKVILLE, NY 13495

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CITY OF ROME CITY YARD/DPW  
132 RACE ST  
ROME, NY 13440

PLEASE PROCESS ORDER &amp; CONFIRM.

| Vendor Phone Number<br>315-733-8495            |                          | Vendor Fax Number<br>315-733-4925 |             | Requisition Number<br>00010290 |  | Delivery Reference                            |  |
|--|--------------------------|-----------------------------------|-------------|--------------------------------|--|---|--|
| Date Ordered<br>11/16/12                       |                          | Vendor Number<br>000293           |             | Date Required                  |  | Freight Method/Terms                          |  |
|  |                          |                                   |             |                                |  | Department/Location<br>MAINTENANCE OF STREETS |  |
| Item#  | Description/Part No.     | Unit/Qty                          | Cost Each   | Extended Price                 |  |   |  |
| 001  | RADIO'S FOR PUBLIC WORKS | 1.00<br>Each                      | 10000.00000 | 10,000.00                      |  |   |  |
|  |                          |                                   | PO TOTAL    | 10,000.00                      |  |   |  |
| ***** General Ledger Summary Section *****     |                          |                                   |             |                                |  |   |  |
| Account  |                          |                                   | Amount      |                                |  |   |  |
| AG5110-207                                     |                          |                                   | 7,000.00    |                                |  |   |  |
| AG5110-414                                     |                          |                                   | 3,000.00    |                                |  |   |  |
| <p><i>Faxed 11/21/12</i></p> <p>VENUE COPY</p> |                          |                                   |             |                                |  |   |  |

**NOTICE TO VENDOR**

FOLLOW ALL INSTRUCTIONS CAREFULLY

1. Show Purchase Order Number on all packages, delivery slips, and documents
2. Make no changes in order except as authorized by written Change Order.  
No overshipment or substitutions will be paid for.
3. The Vendor accepts this Purchase Order subject to the provision 103C and 103D of the General Municipal Law.

By Donna M. Piekarski  
Purchasing Agent

**City of Rome**

Purchasing Department  
198 North Washington St.  
Rome, NY 13440  
(315) 339-7665 FAX: (315) 838-1165

**Purchase Order**

Fiscal Year 2012

Page 1

THIS NUMBER MUST APPEAR ON ALL INVOICES,  
PACKAGES AND SHIPPING PAPERS.

Purchase Order # **00009535-00**

**SALES TAX EXEMPT** - No certificate necessary.  
Retain a copy of this order to substantiate exempt sale.

**FURNISH MATERIAL SAFETY DATA SHEETS  
"MSDS" FOR ALL CHEMICAL PRODUCTS**

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YORKVILLE, NY 13495

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CITY OF ROME SNOW REMOVAL  
132 RACE ST  
ROME, NY 13440

**PLEASE PROCESS ORDER & CONFIRM.**

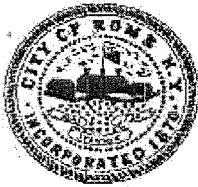
| Vendor Phone Number<br>315-733-8495 |  | Vendor Fax Number<br>315-733-4925 |             | Requisition Number<br>00010288 |  | Delivery Reference                  |  |
|-------------------------------------|--|-----------------------------------|-------------|--------------------------------|--|-------------------------------------|--|
| Date Ordered<br>11/16/12            |  | Vendor Number<br>000293           |             | Date Required                  |  | Freight Method/Terms                |  |
|                                     |  |                                   |             |                                |  | Department/Location<br>SNOW REMOVAL |  |
| Item#                               | Description/Part No.                       | Unit/Qty                          | Cost Each   | Extended Price                 |  |                                     |  |
| 001                                 | RADIO'S FOR PUBLIC WORKS                   | 1.00<br>Each                      | 20000.00000 | 20,000.00                      |  |                                     |  |
|                                     |  |                                   | PO TOTAL    | 20,000.00                      |  |                                     |  |
|                                     | ***** General Ledger Summary Section ***** |                                   |             |                                |  |                                     |  |
|                                     | Account                                    |                                   | Amount      |                                |  |                                     |  |
|                                     | AG5142-414                                 |                                   | 10,000.00   |                                |  |                                     |  |
|                                     | AG5142-418                                 |                                   | 10,000.00   |                                |  |                                     |  |
| Faxed 11/21/12                      |  |                                   |             |                                |  |                                     |  |

**NOTICE TO VENDOR**

**FOLLOW ALL INSTRUCTIONS CAREFULLY**

1. Show Purchase Order Number on all packages, delivery slips, and documents.
2. Make no changes in order except as authorized by written Change Order.  
No overshipment or substitutions will be paid for.
3. The Vendor accepts this Purchase Order subject to the provision 103C and 103D of the General Municipal Law.

By Dan M. Alekanski  
Purchasing Agent



# City of Rome

Purchasing Department

198 North Washington St.

Rome, NY 13440

(315) 339-7665 FAX: (315) 838-1165

## Purchase Order

Fiscal Year 2012

Page 1

THIS NUMBER MUST APPEAR ON ALL INVOICES,  
PACKAGES AND SHIPPING PAPERS.

Purchase Order # 00009859-00

**SALES TAX EXEMPT** - No certificate necessary.  
Retain a copy of this order to substantiate exempt sale.

FURNISH MATERIAL SAFETY DATA SHEETS  
"MSDS" FOR ALL CHEMICAL PRODUCTS

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JPJ ELECTRONIC COMMUNICATIONS INC  
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YORKVILLE, NY 13495

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CITY OF ROME CITY YARD/DPW  
132 RACE ST  
ROME, NY 13440

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| Vendor Phone Number<br>315-733-8495        |                      | Vendor Fax Number<br>315-733-4925 |  | Requisition Number<br>00010661 |             | Delivery Reference<br>FRANK TALLARINO      |  |
| Date Ordered<br>12/31/12                   |                      | Vendor Number<br>000293           |  | Date Required                  |             | Freight Method/Terms                       |  |
|  |                      |                                   |  |                                |             | Department/Location<br>PUBLIC WORKS GARAGE |  |
| Item#                                      | Description/Part No. |                                   |  | Unit/Qty                       | Cost Each   | Extended Price                             |  |
| 001  | DPW RADIOS           |                                   |  | 1.00<br>Each                   | 60000.00000 | 60,000.00                                  |  |
| 002  | WWTP RADIOS          |                                   |  | 1.00<br>Each                   | 10000.00000 | 10,000.00                                  |  |
| ***** General Ledger Summary Section ***** |                      |                                   |  |                                |             |  |  |
| Account                                    |                      |                                   |  |                                | Amount      |  |  |
| AG5132-410                                 |                      |                                   |  |                                | 60,000.00   |  |  |
| ES8130-410                                 |                      |                                   |  |                                | 10,000.00   |  |  |
|  |                      |                                   |  |                                | PO TOTAL    | 70,000.00                                  |  |

VENDOR COPY

### NOTICE TO VENDOR

FOLLOW ALL INSTRUCTIONS CAREFULLY

1. Show Purchase Order Number on all packages, delivery slips, and documents.
2. Make no changes in order except as authorized by written Change Order. No overshipment or substitutions will be paid for.
3. The Vendor accepts this Purchase Order subject to the provision 103C and 103D of the General Municipal Law.

By Dan M. Alekarski  
Purchasing Agent



RESOLUTION NO. 78

AUTHORIZING THE CITY OF ROME TREASURER'S DEPARTMENT TO ADJUST  
AND RE-ASSESS WATER AND SEWER FEES RELATIVE  
TO THE PROPERTY LOCATED AT 450 GEIGER ROAD

By Councilor \_\_\_\_\_:

WHEREAS, GVH Realty, LLC, (hereinafter as "GVH") took ownership of real property located at 450 Geiger Road, Rome, New York, ("Property") in or about 2008, which said property was a former dormitory for the United States Department of Defense; and

WHEREAS, the Property--as a former dormitory--was classified as a commercial property for which--under the City of Rome Code of Ordinances--GVH was required to install a commercial water meter and was notified of said requirement by the City of Rome Water Department; however, GVH did not install a commercial water meter until 2012; and

WHEREAS, prior to GVH installing the water meter and to compel GVH to comply with the City of Rome requirements, the City of Rome Treasurer's Department billed GVH a flat rate for each unit located at the Property, which resulted in a bill for water and sewer through October, 2012, of \$319,468.66; and

WHEREAS, upon GVH installing the commercial water meter, the City and GVH have been able to identify the appropriate amount of water consumption for the Property--approximately, 52 gallons per occupied unit per day--which said usage would result in a significantly lower sewer and water bill than was charged against the Property in 2012; and

WHEREAS, in lieu of the parties litigating the proper amount that should be charged against the Property and paid by GVH, the parties discussed a fair, rational and equitable resolution to the matter, such that litigation could be avoided, while the City would receive an appropriate amount for utility usage, as well as an amount to be considered penalties and interest; and

WHEREAS, as a result of the parties' efforts to negotiate a fair, rational and equitable resolution, the parties have agreed that--for all water and sewer fees and penalties and interest thereon--the amount to be remitted by GVH shall be \$40,000.00, (inclusive of good faith payment received in March, 2013) which shall be in full satisfaction for and, upon payment by GVH, shall effectuate a waiver of any and all claims GVH would otherwise have to challenge the amount paid as and for outstanding water and sewer charges--with penalties and interest--at the Property; and

WHEREAS, in seeking the settlement authorized by this Resolution, the Common Council considered and relied upon representations by GVH that the modification of the water and sewer charges would permit GVH to re-finance various financial obligations and debt, which would permit GVH to bring all properties owned by it in the City of Rome--including the Property--current with real property taxes and, as such, said payment shall be a requirement to the settlement authorized hereby; and

WHEREAS, David Nolan, City of Rome Treasurer and Timothy A. Benedict, Corporation Counsel, recommend the settlement of this particular matter as set forth above and that the Treasurer's Office execute such documents and undertake such action as to correct the applicable tax bill(s) and to make such accounting entries or adjustments and/or such other action as may be necessary to effectuate the settlement detailed above; now, therefore,

BE IT RESOLVED, by the Common Council of the City of Rome that the tax bill(s) associated with the property located at 450 Geiger Road, Rome, New York, be and is hereby amended to adjust the amount due and owing for water and sewer fees through October, 2012--and penalties and interest thereon--be amended from \$319,468.66 to \$40,000.00, which the latter amount shall be paid within thirty (30) days of the date of this Resolution; and

BE IT FURTHER RESOLVED, by the Common Council that the modification authorized hereby is expressly contingent upon GVH remitting payment to the City of Rome to bring all properties owned by it in the City of Rome--including the Property--current in real property tax payments and, further, that said real property tax payments shall be remitted concurrent with the payment of the water and sewer payment authorized hereby; and

BE IT FURTHER RESOLVED, by the Common Council that, in consideration for the modification authorized hereby, GVH shall release and waive any and all claims, proceedings, actions and suits relating--in any way--to the water and sewer issued contemplated hereunder; and

BE IT FURTHER RESOLVED, by the Common Council of the City of Rome that the City of Rome Treasurer and/or Mayor of the City of Rome is authorized to execute such documents and undertake such action as to correct the applicable tax bill(s) and to make such accounting entries or adjustments and/or such other action as may be necessary to effectuate the settlement detailed above.

Seconded by\_\_\_\_\_.

AYES & NAYS: Sparace\_\_\_\_Mortise\_\_\_\_Rogers\_\_\_\_Smith\_\_\_\_Anderson\_\_\_\_  
Nash\_\_\_\_DiMarco\_\_\_\_\_

ADOPTED:

DEFEATED:

COMMON COUNCIL

APRIL 10, 2013

ORDINANCE NO. 8817

AUTHORIZING THE DESIGNATION OF A ONE-WAY STREET  
ON LYONS STREET

By Councilor \_\_\_\_\_:

WHEREAS, John Mazzaferro, Common Council President, and Kimberly Rogers, 3<sup>rd</sup> Ward Councilor, have requested that Lyons Street from West Liberty Street to Park Street be designated as one-way northbound; and

WHEREAS, Frank D. Tallarino, Commissioner of Public Works for the City of Rome, following a review of the conditions along said streets, and to reduce congestion on a narrow, residential street, recommends that a "One-way" sign be placed on Lyons Street at this location; and

WHEREAS, the placement of a "One-way" sign at this location on Lyons Street from West Liberty Street to Park Street will alleviate concerns regarding congestion on a narrow street in a residential neighborhood; now, therefore,

BE IT ORDAINED, that a "One-way" sign shall be placed on Lyons Street, pursuant to Frank D. Tallarino's memorandum attached hereto and by this reference made a part hereof.

Seconded by Councilor \_\_\_\_\_.  
By Councilor \_\_\_\_\_

RESOLVED, that the unanimous consent of this Common Council be, and the same hereby is given to the consideration of Ordinance No. 8817

Seconded by Councilor \_\_\_\_\_

AYES & NAYS: Sparace\_\_\_\_Mortise\_\_\_\_Rogers\_\_\_\_Smith\_\_\_\_Anderson\_\_\_\_  
Nash\_\_\_\_DiMarco\_\_\_\_

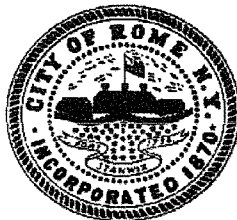
ORDINANCE NO. 8817

AYES & NAYS: Sparace\_\_\_\_Mortise\_\_\_\_Rogers\_\_\_\_Smith\_\_\_\_Anderson\_\_\_\_  
Nash\_\_\_\_DiMarco\_\_\_\_

ADOPTED:

DEFEATED:

JOSEPH R. FUSCO, JR.  
Mayor



FRANK D. TALLARINO, JR.  
Commissioner of Public Works

**DEPARTMENT OF PUBLIC WORKS**  
ROME CITY HALL, 198 N. WASHINGTON STREET  
ROME, NEW YORK 13440-5815  
Telephone: (315) 339-7635 Fax: (315) 838-1167  
[www.romenewyork.com](http://www.romenewyork.com)

**MEMORANDUM**

Date: March 21, 2013

To: Timothy A. Benedict, Corporation Counsel

From: Frank D. Tallarino, Commissioner of Public Works *FDT*

CC: Mayor Joseph R. Fusco  
John Mazzaferro, Common Council President

**RE: Request for Legislation –**

Tim:

I am in receipt of a Request for Legislation from Councilor President Mazzaferro dated March 15, 2013 regarding the designation of Lyons Street from W. Liberty Street to Park Street as one-way northbound. I have reviewed the site and find the request to be reasonable. Following approval signage designating this block as one-way will be installed.

If you have any questions please feel free to contact me.

## Rome, NY Internet Mapping Application



*Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.*

**Map Scale**  
**1 inch = 114 feet**

3/21/2013

COMMON COUNCIL

APRIL 10, 2013

ORDINANCE NO. 8818

AUTHORIZING THE RE-ASSIGNMENT OF  
OFFICE SPACE IN ROME CITY HALL

By Councilor \_\_\_\_\_:

WHEREAS, Kevin Beach, Chief of Police for the City of Rome, has requested office space within Rome City Hall for use by the Rome Police Department to be designated as the Office of Professional Services; now, therefore,

BE IT ORDAINED, by the Common Council of the City of Rome, New York, that effective immediately, Office B1 in the basement of City Hall, previously occupied by the Offices of Weed & Seed, shall be designated as the Office of Professional Standards.

Seconded by Councilor \_\_\_\_\_.

By Councilor \_\_\_\_\_

RESOLVED, that the unanimous consent of this Common Council be, and the same hereby is given to the consideration of Ordinance No. 8818

Seconded by Councilor \_\_\_\_\_

AYES & NAYS: Sparace\_\_\_\_Mortise\_\_\_\_Rogers\_\_\_\_Smith\_\_\_\_Anderson\_\_\_\_  
Nash\_\_\_\_DiMarco\_\_\_\_\_

ORDINANCE NO. 8818

AYES & NAYS: Sparace\_\_\_\_Mortise\_\_\_\_Rogers\_\_\_\_Smith\_\_\_\_Anderson\_\_\_\_  
Nash\_\_\_\_DiMarco\_\_\_\_\_

ADOPTED:

DEFEATED:

ORDINANCE NO. 8819

AMENDING ROME CODE OF ORDINANCES CHAPTER 18 AND APPENDIX B  
REGARDING SECONDHAND DEALERS' FEES

By Councilor \_\_\_\_\_:

WHEREAS, Louise Glasso, City Clerk, has proposed changes to Chapter 18, entitled "Businesses", Article VIII, § 18-364(a)&(b), § 18-366, § 18-369 and Appendix B - "Fee Schedule" - of the Rome Code of Ordinances, pertaining to Secondhand Dealers; now, therefore,

BE IT ORDAINED, by the Common Council of the City of Rome that Rome Code of Ordinances Chapter 18, entitled "Businesses", Article VIII, § 18-364(a)&(b), § 18-366, § 18-369, and Appendix B are hereby amended to read as follows:

**Sec. 18-364. - Application for license.**

Any person may apply for either a yearly license or a daily license; such daily license shall be effective for the entirety of one (1) specific calendar day. Any person desiring to procure a yearly or daily license as herein provided shall file with the city clerk a verified application upon a blank form prepared by the city clerk and furnished by the city. Such application may be amended from time to time at the city clerk's discretion, but shall, at a minimum, contain the following information:

*i.- ix shall remain as written.*

Concurrent with the submission of the application with the city clerk, the applicant shall remit the applicable fee for the secondhand dealer yearly or daily license as listed in [a]Appendix B to this Code, of which, \$50.00 shall be a non-refundable application fee for each type of license application sought. The fee for yearly license shall not be prorated.

**Sec. 18-366. - Issuance of license.**

*(a) shall remain as written.*

(b) Upon receipt of the findings of the detective division and confirmation that the fee required under this article has been paid, the city clerk shall, except as set forth below, issue the applicant a **yearly or daily** license as required by section 18-361 signed by the city clerk or his/her designee.

*Remainder of § 18-366 shall remain as written.*

**Sec. 18-369. - Expiration of the license.**

Any **yearly** license granted hereunder shall expire on December 31 on the year in which it is issued.

and,

BE IT FURTHER ORDAINED, by the Common Council of the City of Rome that Code of Ordinances Appendix B, Article I, In General, be amended to read as follows:

| <u>Section this Code</u> | <u>Description</u>              | <u>Amount</u>                                 |
|--------------------------|---------------------------------|---|
| 18-364                   | Annual License fee              |   |
|                          | Year ending December 31, 2007   | 100.00  |
|                          | On or after January 1, 2008     | 250.00 <b>(\$50.00 non-refundable)</b>        |
|                          | <b><u>Daily License Fee</u></b> | <b><u>100.00 (\$50.00 non-refundable)</u></b> |

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately.

Seconded by Councilor \_\_\_\_\_.  
By Councilor \_\_\_\_\_

RESOLVED, that the unanimous consent of this Common Council be, and the same hereby is given to the consideration of Ordinance No. 8819

Seconded by Councilor \_\_\_\_\_

AYES & NAYS: Sparace\_\_\_\_ Mortise\_\_\_\_ Rogers\_\_\_\_ Smith\_\_\_\_ Anderson\_\_\_\_  
Nash\_\_\_\_ DiMarco\_\_\_\_

ORDINANCE NO. 8819

AYES & NAYS: Sparace\_\_\_\_ Mortise\_\_\_\_ Rogers\_\_\_\_ Smith\_\_\_\_ Anderson\_\_\_\_  
Nash\_\_\_\_ DiMarco\_\_\_\_

ADOPTED:

DEFEATED:

New wording is **bold and underlined**; Wording to be deleted is **[bold and bracketed]**.



## ORDINANCE NO. 8820

AMENDING ROME CODE OF ORDINANCES CHAPTER 74 PROHIBITING CROSS  
CONNECTIONS BETWEEN CITY OF ROME WATER SYSTEM AND PRIVATE  
WATER SYSTEMS AND ADOPTING RULES AND REGULATIONS  
RELATED THERETO

WHEREAS, pursuant to authority granted to it by State and local law, the City of Rome--through its Department of Public Works--owns, operates and maintains utility systems relating to, *inter alia*, water filtration and wastewater treatment for which the City is responsible to ensure that said systems are maintained in a safe and efficient manner to ensure the health, safety and welfare of the citizens of the City of Rome are protected and enhanced; and

WHEREAS, Frank D. Tallarino, Commissioner of Public Works, has reviewed the policies, procedures, rules and regulations relating to protecting the integrity and sufficiency of the City's potable water system in order that same meet the requirements of the New York State Commissioner of Health; and

WHEREAS, it is the opinion of Mr. Tallarino, that the City of Rome adopt rules and regulations that set forth the City's policies and procedures regarding backflow prevention to protect the integrity of the City's potable water supply and to comply with the rules and regulations of the New York State Commissioner of Health; now, therefore

BE IT ORDAINED, by the Common Council of the City of Rome that the Rome Code of Ordinance be and is hereby amended by adding the following:

## CHAPTER 74.

Article VII. BACK FLOW PREVENTIONSec 74-501. Legislative Intent

The purpose of this Ordinance is to safeguard potable water supplies from potential contamination by preventing back flow from a private water user's system into the public water system. It is the intent of this Ordinance to recognize that there are varying degrees of hazard and to supply the principal that the degrees of protection should be commensurate with the degrees of hazard. Further, it is the intent of the City of Rome, New York, to comply with the requirements of New York State Sanitary Code, Part 5, section 5-1.31, and any amendment or superseding laws thereto, which said section mandates the requirement that the supplier of water protect its water system in accordance with procedures acceptable to the Commissioner of Health. These mandated requirements are as set forth in the Cross-Connection Control Manual published by the New York State

Department of Health (NYSDOH) and to that extent, the terms, conditions and provisions of the New York State Sanitary Code, Part 5, section 5-1.31, and any amendment or superseding law thereto, and the Cross-Connection Control Manual are incorporated in this Ordinance by reference as if more fully stated and shall be kept on file with the City of Rome Clerk's Office.

**Sec. 74-502. Definitions**

- 1) **Cross Connections.** The term “cross connection” as used in this Local Law means any unprotected connection between any part of a water system used or intended to be used as a supply of water for drinking purposes in a source or system containing water or substance that is not or cannot be approved as equally safe, wholesome and potable for human consumption.
- 2) **Approved Water Supply.** The term “approved water supply” means any water supply approved by the New York State Department of Health.
- 3) **Auxiliary Supply.** The term “auxiliary supply” means any water supply on or available to the premises other than the approved public water supply.
- 4) **Vacuum Breaker – Pressure Type and Non-Pressure Type.** A vacuum breaker which can only be used for internal plumbing control and, therefore, not acceptable as a containment device.
- 5) **Approved Check Valve.** The term “approved check valve” means a check valve that seals readily and completely. It must be carefully machined to have free moving parts and assured water tightness. The face of the closure element and valve seat must be bronze composition, or other non-corrodible material which will seat tightly under all prevailing conditions of field use. Pins and bushings shall be of bronze and other non- corrodible, non-sticking material, machined for easy dependable operation. The closure element shall be internally weighted or otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.
- 6) **Approved Double Check Valve Assembly.** The term “approved double check valve assembly” means two single independently acting check valves, consisting of a tightly closing shut off valve located at each end of the assembly and suitable test connections. This device must be approved as a complete assembly.
- 7) **Approved Reduced Pressure Zone Device.** The term “approved reduced pressure zone device” means a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and properly located test cocks. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the checks at less than supply pressure. This device must also be approved as a complete assembly.

- 8) Air Gap Separation. The term “air gap separation” means a physical break between a supply pipe and a receiving vessel. The air gap shall be at least double the diameter of the supply pipe, measured vertically above the top rim of the vessel, in no case less than one inch.
- 9) Water Supervisor. The term “water supervisor” means the consumer or a person on the premises charged with the responsibility of complete knowledge and understanding of the water supply piping within the premises and for maintaining the water system free from cross connections and other sanitary defects, as required by this Local Law and all other required regulations and laws.
- 10) Certified Back Flow Prevention Device Tester. The term “certified back flow prevention device tester” is an individual who has successfully completed a New York State Department of Health approved course in the testing of back flow prevention devices and has been issued a certificate by the New York State Department of Health.

Sec. 74-503. Requirements.

- A) Where Protection is Required. The water system shall be required to maintain a degree of protection commensurate with the degree of hazard regardless of whether the hazard is immediate or potential. This may include but not be limited to the presence and use of water boilers for heating systems. To that extent, the Cross Connection Control Manual published by NYSDOH shall be used as a guide to determine where protection is required. It shall be the responsibility of the water user to provide and maintain such required protection devices, and such devices shall be of a type acceptable to the New York State Department of Health.
- B) Type of Protection. The protective device required shall depend on the degree of hazard as tabulated below.
  - 1) At the service connection to any premises where there is an auxiliary water supply handled in a separate piping system with no known cross contamination, the public water supply shall be protected by an approved reduced pressure zone device.
  - 2) At the service connection to any premises on which a substance that would be objectionable (but not necessarily hazardous to health) if introduced into the public water supply is handled so as to constitute a cross connection, the public water supply shall be protected by an approved double check valve assembly.
  - 3) At the service connection to any premises on which a substance of unusual toxic concentration or danger to health is or may be handled but not under

pressure, the public water supply shall be protected by an air gap separation or an approved reduced pressure zone back flow prevention device. If an air gap is installed, it shall be located as close as practicable to the water meter, and all piping between the water meter and receiving tanks shall be entirely visible. A reduced pressure zone device when installed shall be located as close as possible to the property line.

- 4) At the service connection to any premises on which any material dangerous to health is or may be handled under pressure, the public water supply shall be protected by an air gap separation. The air gap shall be located as close as practicable to the water meter and shall be accessible.
  - 5) At the service connection to any sewage treatment plant or sewage pumping station, the public water supply shall be protected by an air gap separation. The air gap shall be located as close as practicable to the water meter and all piping between the water meter and receiving tanks shall be entirely visible. If these conditions cannot be reasonably met, the public water supply shall be protected by an approved reduced pressure zone back flow prevention device and it shall be located as close as possible to the property line.
- C) Frequency of Inspection of Protective Devices. It shall be the duty of the water user on any premises on which back flow protective devices are installed to have inspections by a NYS Department of Health certified back flow prevention device inspector made at least once a year, or more often in instances where successive inspections indicate repeated failure. Devices shall be repaired, overhauled or replaced at the expense of the water user whenever the devices are found to be defective. These tests shall be performed by a qualified back flow prevention device tester, and all test results will be provided to the water user within 72 hours after the test is made. Records of such tests, repairs, and overhaul shall also be kept and made available to the water users and the local health department upon request.

#### Sec. 74-504. Penalties and Recourse for Non-compliance

- A) No water service connection to any premise shall be installed or maintained by the water user, unless the water supply is protected as required by this Local Law and such other applicable local, state and federal laws, rules and regulations.
- B) If any facility served by a water system denies a water department person access to its premises for the purposes of determining if protection to the public water system is necessary, the following consequences applies: (Since great risk may be present) the City will require the installation of prevention devices designed for maximum risk, with the requirement that the number of devices installed shall equal the number of service lines.

**C) The following penalties shall be applicable for a violation of this Local Law:**

- 1. Failure to install the appropriate back flow prevention device within a prescribed time frame after the first notice: \$350.00**
- 2. Failure to install the appropriate back flow prevention device within a prescribed time frame after a second notice: \$750.00**
- 3. Failure to install appropriate back-flow prevention device within a prescribed time frame after a third notice: Termination of Service**
- 4. Failure to at least annually test the back flow prevention device: \$350.00 and/or termination of water service**
- 5. Failure to replace or repair a back flow prevention device as required: \$1,000.00 and/or termination of water service**

**Sec. 74-505. Effective Dates**

**This Ordinance shall take effect upon filing with the New York State Department of State.; and**

BE IT FURTHER ORDAINED, by the City of Rome Common Council that the City of Rome Clerk's Office, or its designee, shall amend Rome Code of Ordinances, Appendix B, by adding the fees and penalties as set forth hereinabove; and

BE IT FURTHER ORDAINED, by the City of Rome Common Council that the Commissioner of Public Works shall provide a copy of the New York State Sanitary Code, Part 5, section 5-1.31, and any amendment or superseding law thereto, and the Cross-Connection Control Manual to the City of Rome Clerk and, upon receipt, the City of Rome Clerk shall keep and maintain said documents on file in the Clerk's Office.

Seconded by Councilor \_\_\_\_\_  
By Councilor \_\_\_\_\_

RESOLVED, that the unanimous consent of this Common Council be, and the same hereby is given to the consideration of Ordinance No. 8820

**C) The following penalties shall be applicable for a violation of this Local Law:**

- 1. Failure to install the appropriate back flow prevention device within a prescribed time frame after the first notice: \$350.00**
- 2. Failure to install the appropriate back flow prevention device within a prescribed time frame after a second notice: \$750.00**
- 3. Failure to install appropriate back-flow prevention device within a prescribed time frame after a third notice: Termination of Service**
- 4. Failure to at least annually test the back flow prevention device: \$350.00 and/or termination of water service**
- 5. Failure to replace or repair a back flow prevention device as required: \$1,000.00 and/or termination of water service**

**Sec. 74-505. Effective Dates**

**This Ordinance shall take effect upon filing with the New York State Department of State; and**

BE IT FURTHER ORDAINED, by the City of Rome Common Council that the City of Rome Clerk's Office, or its designee, shall amend Rome Code of Ordinances, Appendix B, by adding the fees and penalties as set forth hereinabove; and

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Seconded by Councilor\_\_\_\_\_

By Councilor\_\_\_\_\_

RESOLVED, that the unanimous consent of this Common Council be, and the same hereby is given to the consideration of Ordinance No. 8820

Seconded by Councilor \_\_\_\_\_

AYES & NAYS: Sparace \_\_\_\_\_ Mortise \_\_\_\_\_ Rogers \_\_\_\_\_ Smith \_\_\_\_\_ Anderson \_\_\_\_\_  
Nash \_\_\_\_\_ DiMarco \_\_\_\_\_

ORDINANCE NO. 8820

AYES & NAYS: Sparace \_\_\_\_\_ Mortise \_\_\_\_\_ Rogers \_\_\_\_\_ Smith \_\_\_\_\_ Anderson \_\_\_\_\_  
Nash \_\_\_\_\_ DiMarco \_\_\_\_\_

ADOPTED:

DEFEATED:

Language in **bold** and **underlined** to be added.  
Language in **bold** and **[brackets]** to be deleted.